

Attorney Docket No. IPCP:107US  
U.S. Patent Application No. 09/931,492  
Interview Regarding Office Action of June 25, 2006  
Date: September 12, 2006

### **Remarks**

The undersigned conducted a telephonic interview on September 12, 2006 with Examiner John M. Winter and Primary Examiner James A. Reagan to discuss the Office Action dated August 25, 2006 (hereafter referred to as the Office Action) for the above-referenced application.

Examiner Winter stated that an Allowance would be granted if Claim 11 were amended to recite the elements of Claim 18.

The undersigned replied that Applicants were reluctant to accept a narrowing of Claim 11 until they were satisfied that the prior art cited in the Office Action met the requirements for an obviousness rejection under 35 USC 103(c). Specifically, the undersigned noted that Applicants do not believe that the prior art teaches a publication Web site and publishing a product document to establish a bar to patentability.

Examiner Winter asserted that the Rivette patents teach a publication Web site and cited portions of Rivette '767 that teach a network. The undersigned pointed out that a network is not necessarily public, that is, capable of or used to publish information, and that Rivette '767 teaches that the Rivette patent teaches confidential and sensitive information, such as R&D information that clearly would not, and in some cases cannot, be made public.

Examiner Winter maintained that the meaning of "product document" could be broadly construed and asked the undersigned how the present invention, specifically Claim 11, was different than the USPTO databases that list patent applications or patents. The undersigned pointed out that one difference is that Claim 11 recites publishing to make a document a bar to patentability. For example, documents publicly available from USPTO databases do not become bars to patentability by public access to these databases – the workings of the filing and examination process establish bar dates. Further, the USPTO does not accept documents from other person's computers to publish these documents to establish patentability.

Examiner Winter stated that the next step in the process was a reply by Applicants to the Office Action. If Applicants chose to amend Claim 11 (and parallel claims) to recite the limitations of Claim 18, an Allowance would be granted. If Applicants chose to file a substantive

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reply, the Examiner will consider the reply in light of the further understanding gained from the interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Paul Maliszewski', written in a cursive style.

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